IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31698 of 2007(W)

PETITIONER:

MARY SHEEBA.E.I., STAFF NURSE,
NEW MEDICAL COLLEGE HOSPITAL, KOZHIKODE,
RESIDING AT ST.MARY'S HOUSE, MANAPOIKA,
PADAPPAKARA P.O., KOLLAM-691 503.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

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1. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

2. THE DISTRICT MEDICAL OFFICER,
KOLLAM.

3. STATE OF KERALA-REPRESENTED BY
SECRETARY TO GOVERNMENT, HEALTH & FAMILY
WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 31698 of 2007

Dated this the 25th day of October, 2007

JUDGMENT

The petitioner, who is working in the Kozhikode District as a Junior Staff Nurse in the New Medical College Hospital, Kozhikode, aspires for a transfer to Kollam District on compassionate grounds. She submitted an application before the Director of Health Services which was directed to be looked into and an appropriate decision taken thereon, by this Court in Ext.P2 judgment dated 9.8.2007. The Director of Health Services took a decision thereon and informed the petitioner under Ext.P4 that she is not eligible for inter-district transfer as the petitioner has not completed 5 years of service and relaxation of the 5 year rule can be made only by the Government in terms of Ext.P7 G.O. Accordingly, Director of Health Services has forwarded the petitioner's application to the Government on 2.2.2007. But the Government has not passed any orders in this regard.

After having heard the learned counsel for the petitioner and the learned Government Pleader, the writ petition is disposed of directing the third respondent to take a decision on the petitioner's application for inter-district transfer on compassionate grounds, insofar as it relates to the relaxation of the 5 year rule in the first instance, pursuant to the forwarding of the request stated to have been made by the Director of Health Services as mentioned in Ext.P4. Decision may be taken in this regard, within a period of two months from the date of receipt of a copy of this judgment. Further action as regards the request of the petitioner on compassionate grounds, will be subject to the decision taken by the Government.

V. GIRI, JUDGE

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